

# **Exhibit B**

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14 *Lead Counsel for Lead Plaintiff New*  
15 *York State Teachers' Retirement System*  
*and the Class*

17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA

19 IN RE NEW CENTURY

20 Case No. 2:07-cv-00931-DDP (FMOx)  
(Lead Case)

21 CONSOLIDATED CLASS ACTION

22 **PLAINTIFFS' RESPONSES AND**  
23 **OBJECTIONS TO DEFENDANT**  
24 **KPMG LLP'S FIRST SET OF**  
25 **REQUESTS FOR PRODUCTION**  
26 **OF DOCUMENTS**

27 Judge: Hon. Dean D. Pregerson  
28

PLAINTIFFS' RESPONSES AND OBJECTIONS  
TO KPMG FIRST REQUEST FOR PRODUCTION  
Case No. 2:07-cv-00931-DDP (FMOx)

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Lead Plaintiff New  
2 York State Teachers' Retirement System and plaintiffs Carl Larson and Charles  
3 Hooten (collectively, "Plaintiffs") hereby respond and object to Defendant KPMG  
4 LLP's First Set Of Requests For Production Of Documents To Plaintiffs New York  
5 State Teachers' Retirement System, Carl Larson and Charles Hooten (the  
6 "Requests").

7 Plaintiffs respond to the Requests pursuant and subject to the accompanying  
8 General and Specific Objections, without waiving, and expressly preserving, all  
9 such objections and the right to raise any other objection not expressly set forth  
10 herein. The General Objections are incorporated into each response below as  
11 though set forth fully therein. Plaintiffs also submit these Responses and  
12 Objections subject to, without intending to waive, and expressly preserving: (a) the  
13 right to object to other discovery requests involving or relating to the subject  
14 matter of the Requests; and (b) the right at any time to revise, correct, supplement,  
15 or clarify any of the responses herein. Further, an objection to any request does not  
16 indicate that any documents responsive to the request in fact exist.

### 17 **GENERAL OBJECTIONS**

18 1. Plaintiffs object to the Requests, including the Definitions, to the  
19 extent they are duplicative and cumulative of document requests made by other  
20 Defendants, are propounded for the purpose of harassing Plaintiffs, and impose  
21 undue burden on Plaintiffs.

22 2. Plaintiffs object to the Requests, including the Definitions, to the  
23 extent they seek to impose obligations beyond those imposed by the Federal Rules  
24 of Civil Procedure ("Federal Rules"), the Local Civil Rules for the Central District  
25 of California ("Local Rules") and the Orders of the Court in this proceeding.

26 3. Plaintiffs object to the Requests, including the Definitions, to the  
27 extent they seek disclosure of information or documents which are protected by  
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1 their rights of privacy or request disclosure of private, confidential information,  
2 including financial information.

3 4. Plaintiffs object to the Requests, including the Definitions, to the  
4 extent that they are vague and ambiguous, or require Plaintiffs to speculate as to  
5 the nature or scope of the documents sought thereby.

6 5. Plaintiffs object to the Requests, including the Definitions, to the  
7 extent that they seek information that is neither relevant to the claims or defenses  
8 in this litigation, nor reasonably calculated to lead to the discovery of admissible  
9 evidence.

10 6. Plaintiffs object to the Requests, including the Definitions, to the  
11 extent that they are overbroad, unduly burdensome, or otherwise constitute an  
12 abuse of discovery.

13 7. Plaintiffs object to the Requests, including the Definitions, to the  
14 extent that they purport to require Plaintiffs to assume an unreasonable burden or  
15 expense. Plaintiffs will limit their responses to those documents which can be  
16 located, identified and produced after a reasonable inquiry without undue burden  
17 or expense.

18 8. Plaintiffs object to the Requests, including the Definitions, to the  
19 extent that they seek documents or information protected by the attorney-client  
20 privilege, the attorney work product doctrine, or are otherwise protected or  
21 privileged.

22 9. Plaintiffs object to the Requests, including the Definitions, to the  
23 extent that they seek the production of documents not in Plaintiffs' possession,  
24 custody, or control. Among other things, Plaintiffs object to the Requests,  
25 including the Definitions, to the extent that they call for production of documents  
26 from the files of Plaintiffs' counsel (other than the Plaintiffs' documents).  
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1        10. Plaintiffs object to the Requests, including the Definitions, to the  
2 extent that they seek information prematurely, including but not limited to,  
3 information which is subject to expert discovery.

4        11. Plaintiffs object to the Requests, including the Definitions, as being  
5 premature at this stage of the litigation to the extent that they call for the disclosure  
6 of documents concerning Plaintiffs' factual and legal contentions in this action,  
7 when discovery is ongoing and the record has not yet been fully developed.

8        12. Plaintiffs reserve all objections as to the competence, relevance,  
9 materiality, privilege, or admissibility of evidence in any subsequent proceeding or  
10 trial of this or any other action for any purpose whatsoever, and reserve the right to  
11 supplement responses prior to trial.

12        13. The failure to object on a particular ground or grounds shall not be  
13 construed as a waiver of Plaintiffs' right to object on any additional grounds.

14                    **OBJECTIONS TO DEFINITIONS**

15        1. Plaintiffs object to Definition No. 1 of "YOU" and "YOUR" as overly  
16 broad and unduly burdensome to the extent it seeks to impose obligations beyond  
17 those required by the Federal Rules and/or Local Rules by including persons or  
18 entities other than the Plaintiffs, including but not limited to Plaintiffs'  
19 "consultants, advisors, agents and attorneys." Lead Plaintiffs further object to this  
20 definition insofar as it seeks information beyond the control of Lead Plaintiff's  
21 board of directors, officers, and employees. Plaintiffs object to the definition  
22 insofar as it seeks information that is protected from disclosure by the attorney-  
23 client privilege, the attorney work product doctrine, or any other applicable  
24 privilege or protection.

25        2. Plaintiffs object to Definition No. 9 of "NEW SECURITY" as  
26 compound, incomprehensible, burdensome and harassing to the extent the  
27 definition purports to include securities not at issue in the Second Amended  
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1 Consolidated Class Action Complaint ("Complaint"), including, but not limited to,  
2 "asset-backed securities, including but not limited to mortgage-backed securities."

3 **SPECIFIC OBJECTIONS AND RESPONSES**

4 **REQUEST FOR PRODUCTION NO. 1:**

5 All DOCUMENTS, including but not limited to, all records, confirmations,  
6 orders, account statements, and instructions to or from brokers, agents, advisors or  
7 managers, from January 1, 2005 to April 27, 2007 that refer or relate to YOUR  
8 investment in NEW SECURITY.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

10 Plaintiffs incorporate their General Objections and Objections to Definitions  
11 by reference. Plaintiffs object that the time period specified in the Request is  
12 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
13 discovery of admissible evidence. Plaintiffs further object to this Request to the  
14 extent it is duplicative of document requests made by other Defendants, was  
15 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden  
16 on Plaintiffs.

17 Subject to and without waiving the foregoing general and specific  
18 objections, Plaintiffs will produce non-privileged documents in their possession,  
19 custody or control that are sufficient to evidence Plaintiffs' May 5, 2005 to March  
20 13, 2007 transactions in NEW SECURITY.

21 **REQUEST FOR PRODUCTION NO. 2:**

22 All COMMUNICATIONS from January 1, 2005 to April 27, 2007 that refer  
23 or relate to YOUR investment in NEW SECURITY.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions  
26 by reference. Plaintiffs object that the time period specified in the Request is  
27 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
28 discovery of admissible evidence. Plaintiffs object to this Request on the grounds

1 that it is vague and ambiguous. Plaintiffs further object to this Request to the  
2 extent it is duplicative of document requests made by other Defendants, was  
3 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden  
4 on Plaintiffs.

5 Subject to and without waiving the foregoing general and specific  
6 objections, Plaintiffs will produce relevant non-privileged communications, if any,  
7 in their possession, custody or control concerning Plaintiffs' May 5, 2005 to March  
8 13, 2007 transactions in NEW SECURITY.

9 **REQUEST FOR PRODUCTION NO. 3:**

10 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or  
11 relate to YOUR decision to invest in NEW SECURITY, including but not limited  
12 to, DOCUMENTS YOU reviewed, received, and/or upon which YOU relied.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions  
15 by reference. Plaintiffs object that the time period specified in the Request is  
16 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
17 discovery of admissible evidence. Plaintiffs also object to the use of the term  
18 "relied" to the extent that it calls for a legal conclusion. Plaintiffs further object to  
19 this Request to the extent it is duplicative of document requests made by other  
20 Defendants, was propounded for the purpose of harassing Plaintiffs, and imposes  
21 cumulative burden on Plaintiffs.

22 Subject to and without waiving the foregoing general and specific  
23 objections, Plaintiffs will produce relevant non-privileged documents, if any, in  
24 their possession, custody or control responsive to this Request from May 5, 2005 to  
25 March 13, 2007.

26 **REQUEST FOR PRODUCTION NO. 4:**

27 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or  
28 relate to any news article or press release YOU reviewed in connection with



1 YOUR decision to invest in NEW SECURITY.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

3 Plaintiffs incorporate their General Objections and Objections to Definitions  
4 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
5 and not reasonably calculated to lead to the discovery of admissible evidence.  
6 Plaintiffs further object to this Request to the extent it is duplicative of document  
7 requests made by other Defendants, was propounded for the purpose of harassing  
8 Plaintiffs, and imposes cumulative burden on Plaintiffs.

9 Subject to and without waiving the foregoing general and specific  
10 objections, Plaintiffs will produce relevant non-privileged documents, if any, in  
11 their possession, custody or control responsive to this Request from May 5, 2005 to  
12 March 13, 2007.

13 **REQUEST FOR PRODUCTION NO. 5:**

14 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or  
15 relate to any research or due diligence performed by, or on behalf of, YOU  
16 concerning NEW in connection with YOUR investment in NEW SECURITY.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

18 Plaintiffs incorporate their General Objections and Objections to Definitions  
19 by reference. Plaintiffs object that the time period specified in the Request is  
20 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
21 discovery of admissible evidence. Plaintiffs object to this Request on the grounds  
22 that it is vague and ambiguous, including the term "due diligence." Plaintiffs  
23 further object to this Request to the extent it is duplicative of document requests  
24 made by other Defendants, was propounded for the purpose of harassing Plaintiffs,  
25 and imposes cumulative burden on Plaintiffs.

26 Subject to and without waiving the foregoing general and specific  
27 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
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1 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
2 to this Request.

3 **REQUEST FOR PRODUCTION NO. 6:**

4 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
5 any analysis, evaluation, summary, and/or report regarding the value of NEW  
6 SECURITY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions  
9 by reference. Plaintiffs object that the time period specified in the Request is  
10 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
11 discovery of admissible evidence. Plaintiffs object to this Request on the grounds  
12 that it is vague and ambiguous, including the terms "analysis," "evaluation,"  
13 "summary," and "report." Plaintiffs object to this Request as burdensome to the  
14 extent it seeks the production of documents that are publicly available. Plaintiffs  
15 object to this Request as burdensome to the extent it calls for documents not within  
16 Plaintiffs' possession, custody or control. Plaintiffs object to this Request to the  
17 extent it seeks documents protected from disclosure by the attorney-client  
18 privilege, work product doctrine or any other applicable privilege or protection.  
19 Plaintiffs further object to this Request to the extent it is duplicative of document  
20 requests made by other Defendants, was propounded for the purpose of harassing  
21 Plaintiffs, and imposes cumulative burden on Plaintiffs.

22 Subject to and without waiving the foregoing general and specific  
23 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
24 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
25 to this Request.  
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1 **REQUEST FOR PRODUCTION NO. 7:**

2 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
3 any analysis, evaluation, summary, or report regarding NEW's financial  
4 performance.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

6 Plaintiffs incorporate their General Objections and Objections to Definitions  
7 by reference. Plaintiffs object to the time period specified in the Request as  
8 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
9 discovery of admissible evidence. Plaintiffs also object to this Request on the  
10 grounds that it is vague and ambiguous. Plaintiffs object to this Request as  
11 burdensome to the extent it seeks the production of documents that are publicly  
12 available. Plaintiffs object to this Request as burdensome to the extent it seeks the  
13 production of documents that are publicly available or not within Plaintiffs'  
14 possession, custody or control. Plaintiffs object to this Request to the extent it  
15 seeks documents protected from disclosure by the attorney-client privilege, work  
16 product doctrine or any other applicable privilege or protection. Plaintiffs further  
17 object to this Request to the extent it is duplicative of document requests made by  
18 other Defendants, was propounded for the purpose of harassing Plaintiffs, and  
19 imposes cumulative burden on Plaintiffs.

20 Subject to and without waiving the foregoing general and specific  
21 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
22 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
23 to this Request.

24 **REQUEST FOR PRODUCTION NO. 8:**

25 All DOCUMENTS from January 1, 2005 to the present sufficient to show  
26 YOUR gains or losses in connection with YOUR investment in NEW SECURITY.  
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**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to the time period specified in this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request on the grounds that it is vague and ambiguous. Plaintiffs further object to this Request to the extent it is duplicative of document requests made by other Defendants, was propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.

Subject to and without waiving the foregoing general and specific objections, Plaintiffs will produce non-privileged documents from May 5, 2005 to March 13, 2007 in their possession, custody or control responsive to this Request sufficient to show Plaintiffs' losses in connection with Plaintiffs' investment in NEW SECURITY.

**REQUEST FOR PRODUCTION NO. 9:**

All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or relate to any earnings call concerning NEW.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to the time period specified in this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request on the grounds that it is vague and ambiguous. Plaintiffs object to this Request as burdensome to the extent it seeks the production of documents that are publicly available or not within Plaintiffs' possession, custody or control. Plaintiffs object to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection. Plaintiffs further object to this Request to the extent it is duplicative of document

1 requests made by other Defendants, was propounded for the purpose of harassing  
2 Plaintiffs, and imposes cumulative burden on Plaintiffs.

3 Subject to and without waiving the foregoing general and specific  
4 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
5 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
6 to this Request.

7 **REQUEST FOR PRODUCTION NO. 10:**

8 All DOCUMENTS from January 1, 2005 to April 27, 2007 that refer or  
9 relate to any analyst call concerning NEW.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

11 Plaintiffs incorporate their General Objections and Objections to Definitions  
12 by reference. Plaintiffs also object to the time period specified in this Request as  
13 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
14 discovery of admissible evidence. Plaintiffs also object to this Request on the  
15 grounds that it is vague and ambiguous. Plaintiffs also object to this Request as  
16 burdensome to the extent it seeks the production of documents that are publicly  
17 available or not within Plaintiffs' possession, custody or control. Plaintiffs object  
18 to this Request to the extent it seeks documents protected from disclosure by the  
19 attorney-client privilege, work product doctrine or any other applicable privilege or  
20 protection. Plaintiffs further object to this Request to the extent it is duplicative of  
21 document requests made by other Defendants, was propounded for the purpose of  
22 harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.

23 Subject to and without waiving the foregoing general and specific  
24 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
25 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
26 to this Request.  
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1 **REQUEST FOR PRODUCTION NO. 11:**

2 All minutes of NYSTRS' Board of Trustees meetings from January 1, 2005  
3 to the present, including any and all DOCUMENTS that were provided to  
4 NYSTRS' Board of Trustees in connection with such meetings and/or memorialize  
5 all or part of a Board of Trustees meeting.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

7 Plaintiffs incorporate their General Objections and Objections to Definitions  
8 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly  
9 burdensome, and not reasonably calculated to lead to the discovery of admissible  
10 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of  
11 private or confidential information and documents. Plaintiffs object to this  
12 Request as burdensome and harassing to the extent that it seeks documents and  
13 information that are not relevant to the claims or defenses of any party in this  
14 litigation.

15 Subject to and without waiving any of the general and specific objections,  
16 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any,  
17 from May 5, 2005 to March 13, 2007 in their possession, custody or control that  
18 concern Plaintiffs' investment in New Century securities.

19 **REQUEST FOR PRODUCTION NO. 12:**

20 All DOCUMENTS from January 1, 2006 to April 27, 2007 that refer or  
21 relate to David Loglisci's participation on NYSTRS' Board of Trustees.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions  
24 by reference. Plaintiffs object to the Request as irrelevant, overbroad, unduly  
25 burdensome, and not reasonably calculated to lead to the discovery of admissible  
26 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of  
27 private or confidential information and documents. Plaintiffs object to this  
28 Request as burdensome to the extent it calls for documents not within Plaintiffs'

1 possession, custody or control. Lead Plaintiff NYSTRS further objects to this  
2 Request on the grounds that the Request seeks irrelevant information and was  
3 propounded to harass, annoy, and embarrass Lead Plaintiff.

4 **REQUEST FOR PRODUCTION NO. 13:**

5 All DOCUMENTS that concern or constitute COMMUNICATIONS with  
6 the Securities and Exchange Commission and/or the New York Attorney General's  
7 office referring or relating to David Loglisci.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

9 Plaintiffs incorporate their General Objections and Objections to Definitions  
10 by reference. Plaintiffs object to this Request to the extent it seeks disclosure of  
11 private or confidential information and documents. Plaintiffs object to this  
12 Request as burdensome to the extent it calls for documents not within Plaintiffs'  
13 possession, custody or control. Lead Plaintiff NYSTRS further objects to this  
14 Request on the grounds that the Request seeks irrelevant information and was  
15 propounded to harass, annoy and embarrass Lead Plaintiff. Subject to and without  
16 waving any of the general and specific objections, Lead Plaintiff NYSTRS has no  
17 responsive documents.

18 **REQUEST FOR PRODUCTION NO. 14:**

19 All DOCUMENTS that refer or relate to any actual or potential  
20 investigation, regulatory and/or government action relating to David Loglisci.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

22 Plaintiffs incorporate their General Objections and Objections to Definitions  
23 by reference. Plaintiffs object to this Request on the grounds that it is vague and  
24 ambiguous. Plaintiffs object to this Request to the extent it seeks disclosure of  
25 private or confidential information and documents. Plaintiffs object to this  
26 Request as burdensome to the extent it calls for documents not within Plaintiffs'  
27 possession, custody or control. Lead Plaintiff NYSTRS further objects to this  
28 Request on the grounds that the Request seeks irrelevant information and was



propounded to harass, annoy and embarrass Lead Plaintiff. Subject to and without waving any of the general and specific objections, Lead Plaintiff NYSTRS has no responsive documents.

**REQUEST FOR PRODUCTION NO. 15:**

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to April 27, 2007 that refer or relate to NEW's REIT status and/or classification as a REIT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs also object to the time period specified in this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request on the grounds that it is vague and ambiguous. Plaintiffs object to this Request as burdensome to the extent it seeks the production of documents that are publicly available.

Subject to and without waiving the foregoing general and specific objections, Plaintiffs will produce relevant non-privileged documents, if any, from May 5, 2005 to March 13, 2007 in their possession, custody or control responsive to this Request.

**REQUEST FOR PRODUCTION NO. 16:**

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to April 27, 2007 that refer or relate to any dividend YOU received from NEW, including but not limited to, DOCUMENTS sufficient to show the dollar amount of any dividend and/or dividends YOU received from NEW.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to the time period specified in this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the



1 discovery of admissible evidence. Plaintiffs further object to this Request to the  
2 extent it is duplicative of document requests made by other Defendants, was  
3 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden  
4 on Plaintiffs.

5 Subject to and without waiving the foregoing general and specific  
6 objections, Plaintiffs will produce non-privileged documents in their possession,  
7 custody or control sufficient to evidence all dividends received by Plaintiffs from  
8 New Century during the period May 5, 2005 to March 13, 2007.

9 **REQUEST FOR PRODUCTION NO. 17:**

10 All DOCUMENTS from January 1, 2005 to the present sufficient to show  
11 any income YOU received from or were paid in connection with any NEW  
12 SECURITY.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions  
15 by reference. Plaintiffs object to the time period specified in this Request as  
16 overbroad, unduly burdensome, and not reasonably calculated to lead to the  
17 discovery of admissible evidence. Plaintiffs further object to this Request to the  
18 extent it is duplicative of document requests made by other Defendants, was  
19 propounded for the purpose of harassing Plaintiffs, and imposes cumulative burden  
20 on Plaintiffs.

21 Subject to and without waiving the foregoing general and specific  
22 objections, Plaintiffs will produce non-privileged documents in their possession,  
23 custody or control sufficient to evidence all income Plaintiffs received or were paid  
24 from NEW SECURITY during the period May 5, 2005 to March 13, 2007.

25 **REQUEST FOR PRODUCTION NO. 18:**

26 All DOCUMENTS from January 1, 2005 to April 27, 2007 setting forth or  
27 delineating the duties and responsibilities of any investment manager, investment  
28 firm, advisor, consultant, broker or brokerage retained by, or on behalf of, YOU in

1 connection with YOUR investment in NEW SECURITY.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

3 Plaintiffs incorporate their General Objections and Objections to Definitions  
4 by reference. Plaintiffs object to the time period specified in this Request as  
5 overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to  
6 the discovery of admissible evidence. Plaintiffs object to this Request on the  
7 grounds that it is compound and incomprehensible. Plaintiffs object to this  
8 Request on the grounds that it is vague and ambiguous.

9 Subject to and without waiving the foregoing general and specific  
10 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
11 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
12 to this Request.

13 **REQUEST FOR PRODUCTION NO. 19:**

14 All DOCUMENTS from January 1, 2005 to the present created by or  
15 received from, either directly or indirectly, and/or all COMMUNICATIONS with,  
16 any investment manager, investment firm, advisor, consultant, broker or brokerage  
17 concerning NEW.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

19 Plaintiffs incorporate their General Objections and Objections to Definitions  
20 by reference. Plaintiffs object to the time period specified in this Request as  
21 overbroad, unduly burdensome, irrelevant and not reasonably calculated to lead to  
22 the discovery of admissible evidence. Plaintiffs object to this Request as  
23 burdensome to the extent it calls for documents not within Plaintiffs' possession,  
24 custody or control. Plaintiffs further object to this Request to the extent it is  
25 duplicative of document requests made by other Defendants, was propounded for  
26 the purpose of harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.  
27 Plaintiffs further object to this Request on the grounds that it is vague and  
28 ambiguous.

1 Subject to and without waiving the foregoing general and specific  
2 objections, Plaintiffs will produce relevant non-privileged documents, if any, from  
3 May 5, 2005 to March 13, 2007 in their possession, custody or control responsive  
4 to this Request.

5 **REQUEST FOR PRODUCTION NO. 20:**

6 All DOCUMENTS that refer or relate to YOUR proposed or actual  
7 guidelines, policies, procedures, practices, rules, goals, plans, strategies or criteria  
8 relating to domestic equity investments, common stock, diversification, preferred  
9 stock, REITs and/or dividends, including but not limited to, DOCUMENTS that  
10 refer or relate to YOUR trading policy, investment policy, risk tolerance, and/or  
11 investment objectives.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions  
14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
15 irrelevant and not reasonably calculated to lead to the discovery of admissible  
16 evidence to the extent it fails to specify a time period. Plaintiffs further object to  
17 this Request to the extent it seeks disclosure of private or confidential information  
18 and documents. Plaintiffs object to this Request on the grounds that it is vague and  
19 ambiguous. Plaintiffs further object to this Request to the extent it is duplicative of  
20 document requests made by other Defendants, was propounded for the purpose of  
21 harassing Plaintiffs, and imposes cumulative burden on Plaintiffs.

22 Subject to and without waiving the foregoing general and specific  
23 objections, Plaintiffs will produce relevant non-privileged documents, if any,  
24 responsive to this Request in their possession, custody or control from May 5, 2005  
25 to March 13, 2007.

26 **REQUEST FOR PRODUCTION NO. 21:**

27 All DOCUMENTS that refer or relate to any policy, practice, procedure  
28 and/or strategy relating to the following investment vehicles described in the

1 “Notes to Financial Statements” section of YOUR annual financial report for the  
 2 fiscal years ended June 30, 2006 and June 30, 2007: (1) “Mortgage pass-through  
 3 certificates, provided the certificates evidence ownership of undivided interests in  
 4 pools or mortgage loans secured by first mortgages on real property located in New  
 5 York improved by one-to-four family residential dwellings, and, provided further,  
 6 that (i) such mortgage loans are originated on or after January 1, 1980, by any  
 7 bank, trust company, national banking association, savings bank, federal mutual  
 8 savings bank, savings and loan association, federal savings and loan association,  
 9 credit union, or federal credit union authorized to do business in New York State or  
 10 by any lender approved by the Secretary of Housing and Urban Development for  
 11 participation in any mortgage insurance program under the National Housing Act,  
 12 (ii) such mortgage loans are assigned to a bank, trust company, federal mutual  
 13 savings bank or federal savings and loan association as trustee for the benefit of  
 14 holders of such certificates, and (iii) such certificates are rated within the three  
 15 highest grades by an independent rating service designated by the banking board.  
 16 The aggregate unpaid principal on conventional mortgages securing mortgage  
 17 pass-through certificates cannot exceed 10% of the assets of the System nor can the  
 18 total unpaid principal on any single pool of conventional mortgages securing  
 19 mortgage pass-through certificates exceed 1% of the assets of the System;” and (2)  
 20 “Collateralized Mortgage Obligations, which meet the requirements of applicable  
 21 statutes.”

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions  
 24 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly  
 25 burdensome, and not reasonably calculated to lead to the discovery of admissible  
 26 evidence. Plaintiffs object to this Request on the grounds that it is compound and  
 27 incomprehensible. Plaintiffs object to this Request to the extent it seeks disclosure  
 28 of private or confidential information and documents. Plaintiffs object to this

1 Request as burdensome and harassing to the extent that it seeks documents and  
2 information that are not relevant to the claims or defenses of any party in this  
3 litigation.

4 Subject to and without waiving any of the general and specific objections,  
5 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any,  
6 responsive to this Request in their possession, custody or control from May 5, 2005  
7 to March 13, 2007.

8 **REQUEST FOR PRODUCTION NO. 22:**

9 All DOCUMENTS that refer or relate to YOUR investment strategy and/or  
10 policy relating to investments made pursuant to the "Leeway Clause" of Section  
11 177, as quoted in the "Deposit and Investment Risk Disclosure" section of YOUR  
12 annual financial report for the fiscal year ended June 30, 2006.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions  
15 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
16 irrelevant and not reasonably calculated to lead to the discovery of admissible  
17 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of  
18 private or confidential information and documents. Plaintiffs object to this  
19 Request on the grounds that it is vague and ambiguous. Plaintiffs object to this  
20 Request as burdensome and harassing to the extent that it seeks documents and  
21 information that are not relevant to the claims or defenses of any party in this  
22 litigation.

23 Subject to and without waiving any of the general and specific objections,  
24 Lead Plaintiff NYSTRS did not make any investments in New Century securities  
25 pursuant to the "Leeway Clause" referred to in this Request.

26 **REQUEST FOR PRODUCTION NO. 23:**

27 All DOCUMENTS that refer or relate to YOUR investment strategy and/or  
28 policy relating to investments made pursuant to the "Leeway Clause" of Section

1 177, as quoted in the "Deposit and Investment Risk Disclosure" section of YOUR  
2 annual financial report for the fiscal year ended June 30, 2007.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

4 Plaintiffs incorporate their General Objections and Objections to Definitions  
5 by reference. Plaintiffs object to this Request as is overbroad, unduly burdensome,  
6 irrelevant and not reasonably calculated to lead to the discovery of admissible  
7 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of  
8 private or confidential information and documents. Plaintiffs object to this  
9 Request on the grounds that it is vague and ambiguous. Plaintiffs object to this  
10 Request as burdensome and harassing to the extent that it seeks documents and  
11 information that are not relevant to the claims or defenses of any party in this  
12 litigation.

13 Subject to and without waiving any of the general and specific objections,  
14 Lead Plaintiff NYSTRS did not make any investments in New Century securities  
15 pursuant to the "Leeway Clause" referred to in the Request.

16 **REQUEST FOR PRODUCTION NO. 24:**

17 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
18 YOUR investment(s) in NEW SECURITY that were made pursuant to the  
19 "Leeway Clause" of Section 177, as quoted in the "Deposit and Investment Risk  
20 Disclosure" section of YOUR annual financial report for the fiscal year ended June  
21 30, 2006.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions  
24 by reference. Plaintiffs object to the time period specified in this Request on the  
25 grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably  
26 calculated to lead to the discovery of admissible evidence.  
27  
28



1 Subject to and without waiving any of the general and specific objections,  
2 Lead Plaintiff NYSTRS did not make any investments in NEW SECURITY  
3 pursuant to the "Leeway Clause" referred to in the Request.

4 **REQUEST FOR PRODUCTION NO. 25:**

5 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
6 YOUR investment(s) in NEW SECURITY that were made pursuant to the  
7 "Leeway Clause" of Section 177, as quoted in the "Deposit and Investment Risk  
8 Disclosure" section of YOUR annual financial report for the fiscal year ended June  
9 30, 2007.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

11 Plaintiffs incorporate their General Objections and Objections to Definitions  
12 by reference. Plaintiffs object to the time period specified in this Request on the  
13 grounds that it is overbroad, unduly burdensome, irrelevant and not reasonably  
14 calculated to lead to the discovery of admissible evidence.

15 Subject to and without waiving any of the general and specific objections,  
16 Lead Plaintiff NYSTRS did not make any investments in NEW SECURITY  
17 pursuant to the "Leeway Clause" referred to in the Request.

18 **REQUEST FOR PRODUCTION NO. 26:**

19 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
20 mortgage investments that were acquired under the Leeway Clause, as discussed in  
21 the "Real Estate and Mortgages" section of the "Notes to Financial Statements" in  
22 YOUR annual financial report for the fiscal years ended June 30, 2006 and June  
23 30, 2007.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions  
26 by reference. Plaintiffs object to this Request on the grounds that it is overbroad,  
27 unduly burdensome, irrelevant and not reasonably calculated to lead to the  
28 discovery of admissible evidence. Plaintiffs further object to this Request to the



1 extent it seeks disclosure of private or confidential information and documents.  
2 Plaintiffs also object to this Request on the grounds that it is vague and ambiguous.  
3 Plaintiffs object to this Request as burdensome and harassing to the extent that it  
4 seeks documents and information that are not relevant to the claims or defenses of  
5 any party in this litigation.

6 Subject to and without waiving any of the general and specific objections,  
7 Lead Plaintiff NYSTRS did not make any investments in NEW SECURITY  
8 pursuant to the "Leeway Clause" referred to in the Request.

9 **REQUEST FOR PRODUCTION NO. 27:**

10 All DOCUMENTS from January 1, 2005 to the present created by or  
11 received from, either directly or indirectly, and/or all COMMUNICATIONS with,  
12 NYSTRS' Investment Advisory Committee.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

14 Plaintiffs incorporate their General Objections and Objections to Definitions  
15 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly  
16 burdensome, and not reasonably calculated to lead to the discovery of admissible  
17 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of  
18 private or confidential information and documents. Plaintiffs object to this  
19 Request as burdensome and harassing to the extent it seeks documents and  
20 information that are not relevant to the claims or defenses of any party.

21 Subject to and without waiving any of the general and specific objections,  
22 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in  
23 their possession, custody or control from May 5, 2005 to March 13, 2007  
24 responsive to this Request.

25 **REQUEST FOR PRODUCTION NO. 28:**

26 All DOCUMENTS, including but not limited to, notes, minutes, and/or  
27 agendas, from January 1, 2005 to the present that refer or relate to any meeting of  
28 the NYSTRS' Investment Advisory Committee, including any and all

1 DOCUMENTS that were provided to the Investment Advisory Committee in  
2 advance of or at such meetings.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

4 Plaintiffs incorporate their General Objections and Objections to Definitions  
5 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly  
6 burdensome and not reasonably calculated to lead to the discovery of admissible  
7 evidence. Plaintiffs further object to this Request as burdensome to the extent it  
8 calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs  
9 object to this Request as burdensome and harassing to the extent it seeks  
10 documents and information that are not relevant to the claims or defenses of any  
11 party.

12 Subject to and without waiving any of the general and specific objections,  
13 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in  
14 their possession, custody or control from May 5, 2005 to March 13, 2007  
15 responsive to this Request.

16 **REQUEST FOR PRODUCTION NO. 29:**

17 All DOCUMENTS from January 1, 2005 to the present created by or  
18 received from, either directly or indirectly, and/or all COMMUNICATIONS with,  
19 NYSTRS' Real Estate Advisory Committee.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

21 Plaintiffs incorporate their General Objections and Objections to Definitions  
22 by reference. Plaintiffs object to this Request as irrelevant, overbroad, unduly  
23 burdensome and not reasonably calculated to lead to the discovery of admissible  
24 evidence. Plaintiffs object to this Request to the extent it seeks disclosure of  
25 private or confidential information and documents. Plaintiffs object to this  
26 Request as burdensome and harassing to the extent that it seeks documents and  
27 information that are not relevant to the claims or defenses of any party in this  
28 litigation.

1 Subject to and without waiving any of the general and specific objections,  
2 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in  
3 their possession, custody or control from May 5, 2005 to March 13, 2007  
4 responsive to this Request.

5 **REQUEST FOR PRODUCTION NO. 30:**

6 All DOCUMENTS, including but not limited to, notes, minutes, and/or  
7 agendas, from January 1, 2005 to the present that refer or relate to any meeting of  
8 the NYSTRS' Real Estate Advisory Committee, including any and all  
9 DOCUMENTS that were provided to the Real Estate Advisory Committee in  
10 advance of or at such meetings.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

12 Plaintiffs incorporate their General Objections and Objections to Definitions  
13 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome  
14 and not reasonably calculated to lead to the discovery of admissible evidence.  
15 Plaintiffs object to this Request to the extent it seeks disclosure of private or  
16 confidential information and documents. Plaintiffs object to this Request as  
17 burdensome to the extent it calls for documents not within Plaintiffs' possession,  
18 custody or control. Plaintiffs object to this Request as burdensome and harassing  
19 to the extent it seeks documents and information that are not relevant to the claims  
20 or defenses of any party.

21 Subject to and without waiving any of the general and specific objections,  
22 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in  
23 their possession, custody or control from May 5, 2005 to March 13, 2007  
24 responsive to this Request.

25 **REQUEST FOR PRODUCTION NO. 31:**

26 All DOCUMENTS from January 1, 2005 to the present created by or  
27 received from, either directly or indirectly, and/or all COMMUNICATIONS with,  
28 NYSTRS' REIT Real Estate Advisors, including but not limited to,

1 DOCUMENTS from and/or COMMUNICATIONS with Adelante Capital  
2 Management LLC, Cohen & Steers Capital Management, Inc. and/or RREEF  
3 America, LLC.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

5 Plaintiffs incorporate their General Objections and Objections to Definitions  
6 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome  
7 and not reasonably calculated to lead to the discovery of admissible evidence.  
8 Plaintiffs object to this Request as burdensome and harassing to the extent it seeks  
9 documents and information that are not relevant to the claims or defenses of any  
10 party.

11 Subject to and without waiving any of the general and specific objections,  
12 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in  
13 their possession, custody or control from May 5, 2005 to March 13, 2007  
14 responsive to this Request.

15 **REQUEST FOR PRODUCTION NO. 32:**

16 All DOCUMENTS, including but not limited to, notes, minutes, and/or  
17 agendas, from January 1, 2005 to the present that refer or relate to any meeting of  
18 NYSTRS' REIT Real Estate Advisors.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

20 Plaintiffs incorporate their General Objections and Objections to Definitions  
21 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome  
22 and not reasonably calculated to lead to the discovery of admissible evidence.  
23 Plaintiffs object to this Request as burdensome and harassing to the extent it seeks  
24 documents and information that are not relevant to the claims or defenses of any  
25 party.

26 Subject to and without waiving any of the general and specific objections,  
27 Lead Plaintiff NYSTRS will produce relevant non-privileged documents, if any, in  
28

1 their possession, custody or control from May 5, 2005 to March 13, 2007  
2 responsive to this Request.

3 **REQUEST FOR PRODUCTION NO. 33:**

4 All COMMUNICATIONS from January 1, 2005 to April 27, 2007 with  
5 NEW, including but not limited to, COMMUNICATIONS with any current and/or  
6 former officer, director, employee and/or agent of NEW.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions  
9 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
10 duplicative and not reasonably calculated to lead to the discovery of admissible  
11 evidence. Plaintiffs object to this Request to the extent it calls for documents not  
12 within Plaintiffs' possession, custody or control. Plaintiffs object to this Request  
13 to the extent it seeks production of documents protected from disclosure by the  
14 attorney-client privilege, work product doctrine, or any other applicable privilege  
15 or protection.

16 Subject to and without waiving any of the general and specific objections,  
17 Plaintiffs will produce relevant non-privileged documents, if any, in their  
18 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to  
19 this Request.

20 **REQUEST FOR PRODUCTION NO. 34:**

21 All DOCUMENTS from January 1, 2005 to April 27, 2007 from NEW,  
22 including but not limited to, DOCUMENTS from any current and/or former  
23 officer, director, employee and/or agent of NEW.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions  
26 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
27 duplicative and not reasonably calculated to lead to the discovery of admissible  
28 evidence. Plaintiffs object to this Request as burdensome to the extent it calls for

1 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to  
2 this Request to the extent it seeks production of documents protected from  
3 disclosure by the attorney-client privilege, work product doctrine, or any other  
4 applicable privilege or protection.

5 Subject to and without waiving any of the general and specific objections,  
6 Plaintiffs will produce relevant non-privileged documents, if any, in their  
7 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to  
8 this Request.

9 **REQUEST FOR PRODUCTION NO. 35:**

10 All COMMUNICATIONS from January 1, 2005 to the present with any  
11 current and/or former NEW shareholder concerning NEW.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions  
14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
15 and not reasonably calculated to lead to the discovery of admissible evidence.  
16 Plaintiffs object to this Request as burdensome to the extent it calls for documents  
17 not within Plaintiffs' possession, custody or control. Plaintiffs also object to this  
18 Request as vague, incomprehensible and overly burdensome to the extent it  
19 requires Plaintiffs to ascertain NEW shareholders. Plaintiffs further object to this  
20 Request on the grounds that it seeks documents protected from discovery by the  
21 attorney work product doctrine and/or attorney-client privilege.

22 Subject to and without waiving any of the general and specific objections,  
23 Plaintiffs will produce relevant non-privileged documents, if any, in their  
24 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to  
25 this Request.

26 **REQUEST FOR PRODUCTION NO. 36:**

27 All DOCUMENTS from January 1, 2005 to the present from any current  
28 and/or former NEW shareholder concerning NEW.



**RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome to the extent it calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs also object to this Request as vague, incomprehensible and overly burdensome to the extent it requires Plaintiffs to ascertain NEW shareholders. Plaintiffs further object to this Request on the grounds that it seeks documents protected from discovery by the attorney work product doctrine and/or attorney-client privilege.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007 responsive to this Request.

**REQUEST FOR PRODUCTION NO. 37:**

All COMMUNICATIONS from January 1, 2005 to the present between or among YOU and any other Plaintiff and/or putative class member in this ACTION that refer or relate to NEW or to this ACTION.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as to time period and scope. Plaintiffs object to this Request as vague, incomprehensible and overly burdensome to the extent it requires Plaintiffs to ascertain putative class members in this Action. Plaintiffs further object to this Request on the grounds that it seeks documents protected from discovery by the attorney work product doctrine and/or attorney-client privilege.



1 Subject to and without waiving any of the general and specific objections,  
2 Plaintiffs will produce relevant non-privileged documents, if any, in their  
3 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to  
4 this Request.

5 **REQUEST FOR PRODUCTION NO. 38:**

6 All DOCUMENTS from January 1, 2005 to the present created by or  
7 received from, either directly or indirectly, any other Plaintiff and/or putative class  
8 member in this ACTION.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

10 Plaintiffs incorporate their General Objections and Objections to Definitions  
11 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
12 irrelevant and not reasonably calculated to lead to the discovery of admissible  
13 evidence. Plaintiffs object to this Request as vague, incomprehensible and overly  
14 burdensome to the extent it requires Plaintiffs to ascertain putative class members  
15 in this Action. Plaintiffs further object to this Request on the grounds that it seeks  
16 documents protected from discovery by the attorney work product doctrine and/or  
17 attorney-client privilege.

18 **REQUEST FOR PRODUCTION NO. 39:**

19 All DOCUMENTS, including but not limited to, notes, minutes, and/or  
20 agendas, from January 1, 2005 to the present that refer or relate to any meeting  
21 concerning NEW.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

23 Plaintiffs incorporate their General Objections and Objections to Definitions  
24 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
25 and not reasonably calculated to lead to the discovery of admissible evidence.  
26 Plaintiffs further object to this Request as burdensome to the extent it calls for  
27 documents not within Plaintiffs' possession, custody or control.  
28

1 Subject to and without waiving any of the general and specific objections,  
2 Plaintiffs will produce relevant non-privileged documents, if any, in their  
3 possession, custody or control from May 5, 2005 to March 13, 2007 responsive to  
4 this Request.

5 **REQUEST FOR PRODUCTION NO. 40:**

6 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
7 YOUR alleged damages and/or losses claimed in this ACTION.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

9 Plaintiffs incorporate their General Objections and Objections to Definitions  
10 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
11 and not reasonably calculated to lead to the discovery of admissible evidence, as to  
12 time period and scope. Plaintiffs object to this Request to the extent it calls for  
13 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to  
14 the Request to the extent it seeks production of documents protected from  
15 disclosure by the attorney-client privilege, work product doctrine, or any other  
16 applicable privilege or protection. Plaintiffs further object to the Request to the  
17 extent it prematurely calls for documents or testimony that is properly the subject  
18 of expert testimony or an expert report; such information will be provided in  
19 accordance with Rule 26(a)(2) of the Federal Rules. Plaintiffs further object to this  
20 Request to the extent it is duplicative of document requests made by other  
21 Defendants, was propounded for the purpose of harassing Plaintiffs, and imposes  
22 cumulative burden on Plaintiffs.

23 Subject to and without waving any of the general and specific objections,  
24 Plaintiffs will produce relevant non-privileged documents from May 5, 2005 to  
25 March 13, 2007 concerning their transactions in NEW sufficient for KPMG to  
26 ascertain Plaintiffs' damages and/or losses.  
27  
28

**REQUEST FOR PRODUCTION NO. 41:**

All DOCUMENTS, including but not limited to, COMMUNICATIONS, that refer or relate to NEW's stock price decline from February 7, 2007 through March 13, 2007.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as vague and ambiguous. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as to time period and scope. Plaintiffs object to this Request to the extent it calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs object to the Request to the extent it seeks production of documents protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Plaintiffs further object to the Request to the extent it prematurely calls for documents or testimony that is properly the subject of expert testimony or an expert report.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged responsive documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007.

**REQUEST FOR PRODUCTION NO. 42:**

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to the present that refer or relate to any news article, analyst report, press release, and/or SEC filing concerning NEW.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome to the extent it calls for documents

1 not within Plaintiffs' possession, custody or control. Plaintiffs object to the  
2 Request to the extent it seeks production of documents protected from disclosure  
3 by the attorney-client privilege, work product doctrine, or any other applicable  
4 privilege or protection.

5 Subject to and without waiving any of the general and specific objections,  
6 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
7 their possession, custody or control from May 5, 2005 to March 13, 2007.

8 **REQUEST FOR PRODUCTION NO. 43:**

9 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
10 from January 1, 2005 to the present that refer or relate to NEW's 2005 financial  
11 statements.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions  
14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
15 and not reasonably calculated to lead to the discovery of admissible evidence.  
16 Plaintiffs further object to this Request as burdensome to the extent it calls for  
17 documents not within Plaintiffs' possession, custody or control. Plaintiffs object to  
18 the Request to the extent it seeks production of documents protected from  
19 disclosure by the attorney-client privilege, work product doctrine, or any other  
20 applicable privilege or protection.

21 Subject to and without waiving any of the general and specific objections,  
22 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
23 their possession, custody or control from May 5, 2005 to March 13, 2007.

24 **REQUEST FOR PRODUCTION NO. 44:**

25 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
26 from January 1, 2005 to the present that refer or relate to any alleged misstatement  
27 in NEW's 2005 financial statements.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as to time period and scope. Plaintiffs object to this Request to the extent it calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs object to the Request to the extent it seeks production of documents protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged responsive documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007.

**REQUEST FOR PRODUCTION NO. 45:**

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to the present that refer or relate to NEW's ANNOUNCED RESTATEMENT.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome to the extent it calls for documents not within Plaintiffs' possession, custody or control. Plaintiffs object to the Request to the extent it seeks production of documents protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged responsive documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007.

1 **REQUEST FOR PRODUCTION NO. 46:**

2 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
3 from January 1, 2005 to the present that refer or relate to KPMG's audit of NEW's  
4 2005 financial statements and/or its internal control over financial reporting.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

6 Plaintiffs incorporate their General Objections and Objections to Definitions  
7 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
8 and not reasonably calculated to lead to the discovery of admissible evidence.  
9 Plaintiffs object to this Request to the extent it calls for documents not within  
10 Plaintiffs' possession, custody or control or to which KPMG has equal or superior  
11 access. Plaintiffs object to the Request to the extent it seeks production of  
12 documents protected from disclosure by the attorney-client privilege, work product  
13 doctrine, or any other applicable privilege or protection.

14 Subject to and without waiving any of the general and specific objections,  
15 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
16 their possession, custody or control from May 5, 2005 to March 13, 2007.

17 **REQUEST FOR PRODUCTION NO. 47:**

18 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
19 from January 1, 2005 to the present that refer or relate to any service and/or  
20 services KPMG provided to NEW.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

22 Plaintiffs incorporate their General Objections and Objections to Definitions  
23 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
24 and not reasonably calculated to lead to the discovery of admissible evidence.  
25 Plaintiffs object to this Request to the extent it calls for documents not within  
26 Plaintiffs' possession, custody or control or to which KPMG has equal or superior  
27 access. Plaintiffs object to the Request to the extent it seeks production of  
28



1 documents protected from disclosure by the attorney-client privilege, work product  
2 doctrine, or any other applicable privilege or protection.

3 Subject to and without waiving any of the general and specific objections,  
4 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
5 their possession, custody or control from May 5, 2005 to March 13, 2007.

6 **REQUEST FOR PRODUCTION NO. 48:**

7 All DOCUMENTS from January 1, 2005 to the present from KPMG,  
8 including but not limited to, DOCUMENTS from any current partner, former  
9 partner, current employee, and/or former employee of KPMG that refer or relate to  
10 NEW.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

12 Plaintiffs incorporate their General Objections and Objections to Definitions  
13 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
14 and not reasonably calculated to lead to the discovery of admissible evidence.  
15 Plaintiffs object to this Request to the extent it calls for documents not within  
16 Plaintiffs' possession, custody or control or to which KPMG has equal or superior  
17 access. Plaintiffs object to the Request to the extent it seeks production of  
18 documents protected from disclosure by the attorney-client privilege, work product  
19 doctrine, or any other applicable privilege or protection.

20 Subject to and without waiving any of the general and specific objections,  
21 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
22 their possession, custody or control from May 5, 2005 to March 13, 2007.

23 **REQUEST FOR PRODUCTION NO. 49:**

24 All COMMUNICATIONS from January 1, 2005 to the present with KPMG,  
25 including but not limited to, COMMUNICATIONS with any current partner,  
26 former partner, current employee, and/or former employee of KPMG that refer or  
27 relate to NEW.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request to the extent it calls for documents not within Plaintiffs' possession, custody or control or to which KPMG has equal or superior access. Plaintiffs object to the Request to the extent it seeks production of documents protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection.

Subject to and without waiving any of the general and specific objections, Plaintiffs will produce relevant non-privileged responsive documents, if any, in their possession, custody or control from May 5, 2005 to March 13, 2007.

**REQUEST FOR PRODUCTION NO. 50:**

All DOCUMENTS, including but not limited to, COMMUNICATIONS, from January 1, 2005 to the present that support YOUR claims and/or defenses in this ACTION.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as improper contention discovery which is premature at this stage of the litigation to the extent that it calls for the disclosure of documents concerning Plaintiffs' factual and legal contentions in this action, when discovery is ongoing and the record has yet to be fully developed. Plaintiffs object to this Request to the extent it seeks documents protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection.

1 Subject to and without waiving any of the general and specific objections,  
2 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
3 their possession, custody or control from May 5, 2005 to March 13, 2007.

4 **REQUEST FOR PRODUCTION NO. 51:**

5 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
6 that refer or relate to YOUR contention in paragraph 538 of the COMPLAINT  
7 that, "KPMG's material misstatements in its publicly-issued 2005 audit opinions  
8 and KPMG's extensive role in the accounting misstatements and internal control  
9 weaknesses that were disclosed, beginning on February 7, 2007 through the end of  
10 the Class Period, further demonstrate both the artificial inflation KPMG's conduct  
11 caused in the price of New Century securities and that KPMG's conduct  
12 proximately caused foreseeable losses and damages to Plaintiffs and members of  
13 the Class."

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

15 Plaintiffs incorporate their General Objections and Objections to Definitions  
16 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
17 and not reasonably calculated to lead to the discovery of admissible evidence.  
18 Plaintiffs object to this Request as improper contention discovery which is  
19 premature at this stage of the litigation to the extent that it calls for the disclosure  
20 of documents concerning Plaintiffs' factual and legal contentions in this action,  
21 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
22 object to this Request to the extent it seeks documents protected from disclosure by  
23 the attorney-client privilege, work product doctrine or any other applicable  
24 privilege or protection.

25 **REQUEST FOR PRODUCTION NO. 52:**

26 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
27 that refer or relate to YOUR contention in paragraph 539 of the COMPLAINT  
28 that, "[t]he disclosures beginning on February 7, 2007 specifically concerned

1 accounting and internal control issues with which KPMG was extensively involved  
2 in its 2005 audits and areas in which KPMG specifically violated GAAS and the  
3 standards of the PCAOB in connection with its 2005 audits, including the  
4 repurchase reserves backlog and related internal control weaknesses and the  
5 required adjustments to Residual Interests as set forth above.”

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

7 Plaintiffs incorporate their General Objections and Objections to Definitions  
8 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
9 and not reasonably calculated to lead to the discovery of admissible evidence.  
10 Plaintiffs object to this Request as improper contention discovery which is  
11 premature at this stage of the litigation to the extent that it calls for the disclosure  
12 of documents concerning Plaintiffs’ factual and legal contentions in this action,  
13 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
14 object to this Request to the extent it seeks documents protected from disclosure by  
15 the attorney-client privilege, work product doctrine or any other applicable  
16 privilege or protection.

17 **REQUEST FOR PRODUCTION NO. 53:**

18 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
19 that refer or relate to YOUR contention in paragraph 540 of the COMPLAINT that  
20 “[thereafter, the price of New Century securities continued to decline on March 2,  
21 2007, when additional disclosures were made, including, specifically, issues  
22 pertaining to the Company’s valuation of Residual Interests in 2006 ‘and prior  
23 periods.’ As alleged in this Second Amended Complaint, KPMG’s 2005 audits  
24 specifically violated GAAS and the standards of the PCAOB in connection with  
25 this audit of New Century’s Residual Interests and related internal controls and, as  
26 reported by the Examiner (at 329) and set forth in paragraph 480 above, KPMG’s  
27 February 2007 report to the Special Investigation Committee of the Audit  
28

1 Committee (the 'SIC') was '[t]he primary reason the SIC looked more closely at  
2 New Century's accounting for residual interests...in February 2007.'"

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

4 Plaintiffs incorporate their General Objections and Objections to Definitions  
5 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
6 and not reasonably calculated to lead to the discovery of admissible evidence.  
7 Plaintiffs object to this Request as improper contention discovery which is  
8 premature at this stage of the litigation to the extent that it calls for the disclosure  
9 of documents concerning Plaintiffs' factual and legal contentions in this action,  
10 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
11 object to this Request to the extent it seeks documents protected from disclosure by  
12 the attorney-client privilege, work product doctrine or any other applicable  
13 privilege or protection.

14 **REQUEST FOR PRODUCTION NO. 54:**

15 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
16 that refer or relate to YOUR contention in paragraph 49 of the COMPLAINT that  
17 "[t]he members of the class are so numerous that joinder of all members is  
18 impracticable."

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

20 Plaintiffs incorporate their General Objections and Objections to Definitions  
21 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
22 and not reasonably calculated to lead to the discovery of admissible evidence.  
23 Plaintiffs object to this Request as improper contention discovery which is  
24 premature at this stage of the litigation to the extent that it calls for the disclosure  
25 of documents concerning Plaintiffs' factual and legal contentions in this action,  
26 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
27 object to this Request to the extent it seeks documents protected from disclosure by  
28

1 the attorney-client privilege, work product doctrine or any other applicable  
2 privilege or protection.

3 **REQUEST FOR PRODUCTION NO. 55:**

4 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
5 that refer or relate to YOUR contention in paragraph 50 of the COMPLAINT that  
6 "Plaintiffs' claims are typical of the claims of the members of the Class."

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions  
9 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
10 and not reasonably calculated to lead to the discovery of admissible evidence.  
11 Plaintiffs object to this Request as improper contention discovery which is  
12 premature at this stage of the litigation to the extent that it calls for the disclosure  
13 of documents concerning Plaintiffs' factual and legal contentions in this action,  
14 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
15 object to this Request to the extent it seeks documents protected from disclosure by  
16 the attorney-client privilege, work product doctrine or any other applicable  
17 privilege or protection.

18 **REQUEST FOR PRODUCTION NO. 56:**

19 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
20 that refer or relate to YOUR contention in paragraph 51 of the COMPLAINT that  
21 "Plaintiffs' will fairly and adequately represent the interests of the members of the  
22 Class and have retained counsel competent and experienced in class and securities  
23 litigation."

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions  
26 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
27 and not reasonably calculated to lead to the discovery of admissible evidence.  
28 Plaintiffs object to this Request as improper contention discovery which is



1 premature at this stage of the litigation to the extent that it calls for the disclosure  
2 of documents concerning Plaintiffs' factual and legal contentions in this action,  
3 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
4 object to this Request to the extent it seeks documents protected from disclosure by  
5 the attorney-client privilege, work product doctrine or any other applicable  
6 privilege or protection.

7 **REQUEST FOR PRODUCTION NO. 57:**

8 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
9 that refer or relate to YOUR contention in paragraph 53 of the COMPLAINT that  
10 "[c]ommon questions of law and fact exist as to all members of the Class, and  
11 predominate over any questions affecting solely individual members of the Class."

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions  
14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
15 and not reasonably calculated to lead to the discovery of admissible evidence.  
16 Plaintiffs object to this Request as improper contention discovery which is  
17 premature at this stage of the litigation to the extent that it calls for the disclosure  
18 of documents concerning Plaintiffs' factual and legal contentions in this action,  
19 when discovery is ongoing and the record has yet to be fully developed. Plaintiffs  
20 object to this Request to the extent it seeks documents protected from disclosure by  
21 the attorney-client privilege, work product doctrine or any other applicable  
22 privilege or protection.

23 **REQUEST FOR PRODUCTION NO. 58:**

24 All DOCUMENTS, including but not limited to, COMMUNICATIONS,  
25 that refer or relate to the Final Report of Michael J. Missal, dated February 29,  
26 2008.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

2 Plaintiffs incorporate their General Objections and Objections to Definitions  
3 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
4 and not reasonably calculated to lead to the discovery of admissible evidence.  
5 Plaintiffs object to this Request as burdensome to the extent it calls for documents  
6 that are not within Plaintiffs' possession, custody or control or are publicly  
7 available. Plaintiffs object to this Request to the extent it seeks the production of  
8 documents that are protected from disclosure by the attorney-client privilege, work  
9 product doctrine or any other applicable privilege or protection.

10 Subject to and without waiving any of the general and specific objections,  
11 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
12 their possession, custody or control from May 5, 2005 to March 13, 2007.

13 **REQUEST FOR PRODUCTION NO. 59:**

14 All DOCUMENTS referred to in the COMPLAINT.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

16 Plaintiffs incorporate their General Objections and Objections to Definitions  
17 by reference. Plaintiffs object to this Request on the grounds that it is burdensome  
18 and oppressive to the extent it seeks the production of documents that are publicly  
19 available, not within Plaintiffs' possession, custody or control, or to which KPMG  
20 has equal or superior access. Plaintiffs further object to this Request to the extent  
21 it could be construed as calling for documents generated in anticipation of filing  
22 this case and/or the Complaint, and which are therefore protected from discovery  
23 by the attorney work product doctrine and/or attorney-client privilege.

24 Subject to and without waiving any of the general and specific objections,  
25 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
26 their possession, custody or control from May 5, 2005 to March 13, 2007.

1 **REQUEST FOR PRODUCTION NO. 60:**

2 All complaints, amended complaints, and/or transcripts of any testimony  
3 given by YOU in any deposition or trial for each and every civil lawsuit to which  
4 YOU have been a party within the past ten (10) years that involved allegations  
5 relating to securities transactions, alleged federal or state securities violations, class  
6 allegations, allegations concerning professional malpractice, corporate control,  
7 breach of fiduciary duty, fraud claims and/or shareholder derivative claims.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

9 Plaintiffs incorporate their General Objections and Objections to Definitions  
10 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
11 harassing and not reasonably calculated to lead to the discovery of admissible  
12 evidence. Plaintiffs object to this Request as burdensome and harassing to the  
13 extent it seeks documents and information that are not relevant to the claims or  
14 defenses of any party in this litigation. Plaintiffs object to this Request to the  
15 extent it was propounded to embarrass, annoy and harass. Plaintiffs also object to  
16 this Request to the extent it seeks the production of documents that are publicly  
17 available, not within Plaintiffs' possession, custody or control, or protected from  
18 disclosure by the attorney-client privilege, work product doctrine or any other  
19 applicable privilege or protection.

20 **REQUEST FOR PRODUCTION NO. 61:**

21 All affidavits, certifications or other sworn statements filed by YOU in any  
22 court in the past ten (10) years that identify litigation to which YOU have been a  
23 party.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

25 Plaintiffs incorporate their General Objections and Objections to Definitions  
26 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
27 harassing and not reasonably calculated to lead to the discovery of admissible  
28 evidence. Plaintiffs object to this Request as burdensome and harassing to the

1 extent it seeks documents and information that are not relevant to the claims or  
2 defenses of any party in this litigation. Plaintiffs object to this Request to the  
3 extent it was propounded to embarrass, annoy and harass. Plaintiffs also object to  
4 this Request to the extent it seeks the production of documents that are publicly  
5 available, not within Plaintiffs' possession, custody or control, or protected from  
6 disclosure by the attorney-client privilege, work product doctrine or any other  
7 applicable privilege or protection.

8 **REQUEST FOR PRODUCTION NO. 62:**

9 All DOCUMENTS from YOUR counsel (including any agent or  
10 representative of counsel) received by YOU prior to engaging counsel in this  
11 ACTION.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

13 Plaintiffs incorporate their General Objections and Objections to Definitions  
14 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
15 harassing and not reasonably calculated to lead to the discovery of admissible  
16 evidence. Plaintiffs object to this Request as burdensome and harassing to the  
17 extent it seeks documents and information that are not relevant to the claims or  
18 defenses of any party in this litigation. Plaintiffs also object to this Request to the  
19 extent it seeks the production of documents that are publicly available, not within  
20 Plaintiffs' possession, custody or control, or protected from disclosure by the  
21 attorney-client privilege, work product doctrine or any other applicable privilege or  
22 protection.

23 **REQUEST FOR PRODUCTION NO. 63:**

24 All COMMUNICATIONS between YOU and YOUR counsel (including  
25 any agent or representative of counsel) prior to YOU retaining counsel in this  
26 ACTION.  
27  
28

**RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome and harassing to the extent it seeks documents and information that are not relevant to the claims or defenses of any party in this litigation. Plaintiffs also object to this Request to the extent it seeks the production of documents that are not within Plaintiffs' possession, custody or control, or protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection.

**REQUEST FOR PRODUCTION NO. 64:**

All agreements between or among YOU and YOUR counsel, including but not limited to all attorney engagement letters, fee agreements, and/or other DOCUMENTS that refer or relate to the payment of costs, disbursements, and/or attorney's fees incurred in this litigation.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome and harassing to the extent it seeks documents and information that are not relevant to the claims or defenses of any party in this litigation. Plaintiffs also object to this Request to the extent it seeks the production of documents that are not within Plaintiffs' possession, custody or control, or protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection.

**REQUEST FOR PRODUCTION NO. 65:**

All DOCUMENTS that refer or relate to any relationship YOU have with YOUR counsel unrelated to this ACTION.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs further object to the term "relationship" as vague and ambiguous. Plaintiffs object to this Request as burdensome and harassing to the extent it seeks documents and information that are not relevant to the claims or defenses of any party in this litigation. Plaintiffs also object to this Request to the extent it seeks the production of documents that are not within Plaintiffs' possession, custody or control, or protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection.

**REQUEST FOR PRODUCTION NO. 66:**

All DOCUMENTS that refer or relate to any consideration, of any nature, that any named and/or lead Plaintiff or anyone else has received or been provided (directly or indirectly), been told it will or may receive or be provided (directly or indirectly), or been promised will be applied for in connection with serving as a named and/or lead Plaintiff in this ACTION.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

Plaintiffs incorporate their General Objections and Objections to Definitions by reference. Plaintiffs object to this Request as overbroad, unduly burdensome, harassing and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs object to this Request as burdensome and harassing to the extent it seeks documents and information that are not relevant to the claims or defenses of any party in this litigation. Plaintiffs also object to this Request to the extent it seeks the production of documents that are publicly available, not within Plaintiffs' possession, custody or control, or protected from disclosure by the attorney-client privilege, work product doctrine or any other applicable privilege or protection.



1 Subject to and without waiving any of the general and specific objections,  
2 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
3 their possession, custody or control from May 5, 2005 to March 13, 2007.

4 **REQUEST FOR PRODUCTION NO. 67:**

5 All DOCUMENTS from January 1, 2005 to the present from any  
6 confidential witness identified in the COMPLAINT.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

8 Plaintiffs incorporate their General Objections and Objections to Definitions  
9 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
10 harassing and not reasonably calculated to lead to the discovery of admissible  
11 evidence. Plaintiffs object to this Request as burdensome and harassing to the  
12 extent it seeks documents and information that are not relevant to the claims or  
13 defenses of any party in this litigation. Plaintiffs also object to this Request to the  
14 extent it seeks the production of documents that are not within Plaintiffs'  
15 possession, custody or control, or protected from disclosure by the attorney-client  
16 privilege, work product doctrine or any other applicable privilege or protection.

17 Subject to and without waiving any of the general and specific objections,  
18 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
19 their possession, custody or control from May 5, 2005 to March 13, 2007.

20 **REQUEST FOR PRODUCTION NO. 68:**

21 All DOCUMENTS from January 1, 2005 to the present that refer or relate to  
22 any confidential witness identified in the COMPLAINT.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

24 Plaintiffs incorporate their General Objections and Objections to Definitions  
25 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
26 harassing and not reasonably calculated to lead to the discovery of admissible  
27 evidence. Plaintiffs object to this Request as burdensome and harassing to the  
28 extent it seeks documents and information that are not relevant to the claims or

1 defenses of any party in this litigation. Plaintiffs also object to this Request to the  
 2 extent it seeks the production of documents that are not within Plaintiffs'  
 3 possession, custody or control, or protected from disclosure by the attorney-client  
 4 privilege, work product doctrine or any other applicable privilege or protection.

5 Subject to and without waiving any of the general and specific objections,  
 6 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
 7 their possession, custody or control from May 5, 2005 to March 13, 2007.

8 **REQUEST FOR PRODUCTION NO. 69:**

9 All COMMUNICATIONS from January 1, 2005 to the present between  
 10 YOU and any confidential witness identified in the COMPLAINT.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

12 Plaintiffs incorporate their General Objections and Objections to Definitions  
 13 by reference. Plaintiffs object to this Request as overbroad, unduly burdensome,  
 14 harassing and not reasonably calculated to lead to the discovery of admissible  
 15 evidence. Plaintiffs object to this Request as burdensome and harassing to the  
 16 extent it seeks documents and information that are not relevant to the claims or  
 17 defenses of any party in this litigation. Plaintiffs also object to this Request to the  
 18 extent it seeks the production of documents that are not within Plaintiffs'  
 19 possession, custody or control, or protected from disclosure by the attorney-client  
 20 privilege, work product doctrine or any other applicable privilege or protection.

21 Subject to and without waiving any of the general and specific objections,  
 22 Plaintiffs will produce relevant non-privileged responsive documents, if any, in  
 23 their possession, custody or control from May 5, 2005 to March 13, 2007.

24 Dated: April 29, 2009

BERNSTEIN LITOWITZ BERGER  
 & GROSSMANN LLP

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28 SALVATORE J. GRAZIANO

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15  
16

17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA

19 IN RE NEW CENTURY  
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Case No.2:07-cv-00931-DDP (FMOx)  
(Lead Case)

DECLARATION OF SERVICE

Judge: Hon. Dean D. Pregerson

1 I, Brandy M. Roberts, declare:

2 1. That I am and was, at all times herein mentioned, a citizen of the  
3 United States and a resident of the County of San Diego, over the age of 18 years,  
4 and not a party to or interested in the within action; that my business address is  
5 12481 High Bluff Drive, Suite 300, San Diego, California 92130.

6 2. That on April 29, 2009, I caused to be served the following  
7 documents:

8 • **PLAINTIFFS' RESPONSES AND OBJECTIONS TO**  
9 **DEFENDANT KPMG LLP'S FIRST SET OF REQUESTS FOR**  
**PRODUCTION OF DOCUMENTS**

10 addressed as follows:

11 SEE ATTACHED SERVICE LIST

12 ☒ **(BY U.S. MAIL)** I am personally and readily familiar with the  
13 business practice of Bernstein Litowitz Berger & Grossmann LLP for  
14 collecting and processing of correspondence for mailing with the  
15 United States Postal Service, and I caused such envelope(s) with  
postage thereon fully prepaid to be placed in the United States Postal  
Service at San Diego, California.


16 ☐ **(BY OVERNIGHT MAIL)** I am personally and readily familiar with  
17 the business practice of Bernstein Litowitz Berger & Grossmann LLP  
18 for collection and processing of correspondence for overnight  
delivery, and I caused such document(s) described herein to be  
deposited for delivery to a facility regularly maintained by Federal  
Express for overnight delivery.

19 ☐ **(BY FACSIMILE)** I am personally and readily familiar with the  
20 business practice of Bernstein Litowitz Berger & Grossmann LLP for  
21 collection and processing of document(s) to be transmitted by  
facsimile and I caused such document(s) on this date to be transmitted  
by facsimile to the offices of addressee(s) at the numbers listed below.

22 ☒ **(BY ELECTRONIC MAIL)** I am personally and readily familiar  
23 with the business practice of Bernstein Litowitz Berger & Grossmann  
24 LLP for the collection and processing of document(s) to be  
transmitted electronically in Portable Document Format (PDF), and I  
25 caused such document(s) on this date to be transmitted via electronic  
mail, by agreement among the parties pursuant to F.R.C.P. 5(b)(2)(F),  
to the email addresses of counsel for the parties as listed below.

26 ☒ **(FEDERAL)** I declare that I am employed in the office of a member  
27 of the bar of this Court at whose direction the service was made.  
28

1 I declare under penalty of perjury under the laws of the State of California  
2 that the foregoing is true and correct. Executed this 29th day of April, 2009 at San  
3 Diego, California.

4   
5  
6 Brandy M. Roberts



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